

EXHIBIT 34

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FULL CIRCLE UNITED, LLC,

Plaintiff,

v.

BAY TEK ENTERTAINMENT, INC.,

Defendant.

BAY TEK ENTERTAINMENT, INC.,

Counterclaim Plaintiff,

v.

FULL CIRCLE UNITED, LLC,

Counterclaim Defendant,

and

ERIC PAVONY,

*Additional Counterclaim
Defendant.*

Civ. Action No. 1:20-cv-03395

**PLAINTIFF/COUNTERCLAIM
DEFENDANT
FULL CIRCLE UNITED, LLC'S
AMENDED ANSWERS TO
DEFENDANT/ COUNTERCLAIM
PLAINTIFF BAY TEK
ENTERTAINMENT, INC.'S SECOND
SET OF INTERROGATORIES**

Plaintiff/Counterclaim Defendant Full Circle United, LLC, ("Full Circle"), pursuant to Fed. R. Civ. P. 33, provides amended answers to Defendant/Counterclaim Plaintiff Bay Tek Entertainment, Inc.'s ("Bay Tek") Second Set of Interrogatories served on October 13, 2021:

INTERROGATORIES

Interrogatory No. 10: Identify the provision(s) and specific language of the License Agreement that you contend obligates Bay Tek to manufacture Skee-Ball Live Lanes, and state all facts supporting your contention.

Amended Answer:

Full Circle has not made this contention. However, pursuant to the Report & Recommendation entered on December 28, 2021 (the “R&R”),¹ Full Circle “must explain which provision of the Agreement it is referring to in regard to the alleged breach of Bay Tek’s obligation to manufacture ‘Skee-Ball Live Lanes.’” Accordingly, Full Circle submits that, had it alleged such a breach, it would have likely referred Bay Tek to paragraphs 4.2, 5.2, 5.3, 7.2 of the License Agreement, and its implied covenants, as well as paragraph 4.1 of the Settlement Agreement.

Interrogatory No. 25: State all facts supporting your contention that Bay Tek made a “promise” to “permit Full Circle to use the [Skee-Ball] Mark in connection with its Live Play operations, including Brewskee-Ball, and Full Circle’s broader business plans to promote live play through videos of tournaments, league play, and events prior to receiving Full Circle’s consent to the assignment of the License Agreement from SBI,” as alleged in your Eighth Affirmative Defense to Bay Tek’s counterclaims.

Amended Answer:

Full Circle objects to Interrogatory No. 25 on the basis that Bay Tek has exceeded the number of interrogatories permitted under Rule 33. While this interrogatory is numbered 25, prior interrogatories—including without limitation, interrogatories 10, 11, 12, and 14—contain additional discrete subparts, bringing the total over 25. Interrogatories 10, 11, 12, and 14 ask two

¹ Full Circle reserves all rights to file any and all obligations to the R&R.

questions each: first to identify provisions in the License Agreement that contain referenced language and then to identify extra-contractual facts that support a contention. Full Circle further objects to Interrogatory No. 25 to the extent it seeks information protected by the attorney client privilege and protected work product. Subject to and without waiving the foregoing objections, Full Circle answers Interrogatory No. 25 as follows: Full Circle refers Bay Tek to Full Circle's production, including, without limitation, FCU000000015, FCU000007213, FCU000007214, FCU000010121 – 10122, FCU000000214-227, FCU000000229-234, FCU000000236-249, FCU000000251-267, FCU000000359-375, FCU000000447-506, FCU000000596-639, FCU000000816-820, FCU000003050-3103, FCU000007808-7815, FCU000007825-7827, FCU000007830-7837, FCU000007867-7870, FCU000008264-8268, FCU000008272-8306, FCU000008317-8335, FCU000008347-8357, FCU000008395-8406, FCU000008420-8443, FCU000008476-8500, FCU000008533-8536, FCU000008572-8579, FCU000009652-9657, and FCU000009665-9670.

Dated: January 7, 2022

Respectfully submitted,

/s/ Paul Thanasides
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Counterclaim Defendant Eric Pavony*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 7, 2022, a true and correct copy of the foregoing was served by email to the following:

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